United Nations CERD/C/EGY/CO/17-22

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined seventeenth to twenty-second periodic reports of Egypt*

1. The Committee on the Elimination of Racial Discrimination considered the combined seventeenth to twenty-second periodic reports of Egypt (CERD/C/EGY/17-22) at its 2402nd and 2403rd meetings (see CERD/C/SR.2402 and CERD/C/SR.2403), held on 30 November and 1 December 2015. At its 2413th meeting, held on 8 December 2015, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the resumption of dialogue with the State party and welcomes its combined seventeenth to twenty-second periodic reports. While acknowledging that the country has been through a period of political instability, the Committee regrets that delays in the submission of the periodic reports have prevented it from reviewing the State party's implementation of the Convention for several years.

3. The Committee welcomes the delegation's oral presentation and the replies it provided during the consideration of the report. The Committee welcomes the constructive dialogue with the State party on the implementation of the Convention.

B. Positive aspects

4. The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Convention on the Rights of Persons with Disabilities, in 2008;

(b) The optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2007, and on the sale of children, child prostitution and child pornography, in 2002.

5. The Committee also welcomes other legislative and institutional measures taken by the State party during the reporting period, in particular:

* Adopted by the Committee at its eighty-eighth session (23 November-11 December 2015).

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(a) The adoption of a new constitution in January 2014, article 53 of which enshrines the equality of citizens before the law and prohibits discrimination on any ground whatsoever;

(b) The steps taken to preserve the cultural heritage of Egypt, including in Nubia and the desert and coastal regions, notably by collecting elements of the popular cultural heritage of these regions and by organizing activities on the cultural heritage and artistic originality of these regions, in keeping with article 236 of the Constitution.

6. The Committee commends the State party on its efforts to amend its legislation on the basis of the Committee's recommendations (see A/56/18, paras. 288 and 292), notably:

(a) Act No. 94 of 2003, on the establishment of the National Human Rights Council as the State party's national human rights institution;

(b) Act No. 154 of 2004 amending the law on nationality, which permits Egyptian women to transmit their nationality to children born of a marriage to a foreign father. In addition, article 6 of the new Constitution stipulates that anyone born to an Egyptian mother or father has a right to Egyptian nationality.

C. Concerns and recommendations

Relevant statistical data

7. While taking note of the statistical data provided by the State party, the Committee notes gaps in the data regarding the ethnic make-up of the population and its geographical distribution. The Committee regrets the lack of socioeconomic indicators disaggregated by ethnic or national origin, especially for small ethnic groups such as the Bedouin/nomads, Nubians and Berbers (arts. 1 and 5).

8. **In accordance with paragraphs 10 and 12 of the revised guidelines on the preparation of reports under the Convention (CERD/C/2007/1), the Committee requests the State party to collect and publish comprehensive statistical data on the ethnic make-up of the population and on the social and economic situation of the various ethnic, minority and ethno-religious groups, disaggregated by region and reflecting the level of enjoyment of economic and social rights of such groups. The Committee requests the State party to provide such disaggregated data in its next periodic report.**

Definition of racial discrimination

9. The Committee is concerned that there is no definition of racial discrimination in national legislation despite the fact that the provisions of the Convention are considered an integral part of the country's law (art. 1).

10. **Taking into account the vast legislative reform being undertaken since the adoption of the new Constitution, the Committee recommends that the State party introduce in its criminal, civil and administrative law a comprehensive definition of racial discrimination, covering both direct and indirect discrimination.**

Criminalization of incitement to hatred and racial discrimination

11. Although article 176 of the Criminal Code was amended to make racial discrimination an offence, the Committee regrets that this offence is provided for only in the limited context of the media and is linked to the existence of a breach of the

peace. The Committee reaffirms its concern that the law of the State party does not prohibit the dissemination of ideas based on racial superiority or hatred or the establishment of racist organizations. It also regrets that the State party has not explicitly defined ethnic or racial motives as an aggravating circumstance for criminal offences (art. 4).

12. **In the light of its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party amend the Criminal Code to cover racist hate speech, in line with article 4 of the Convention. The amendment should prohibit the dissemination of ideas based on racial superiority or hatred, incitement of racial or ethnic discrimination, and the creation of or support for racist organizations. The State party should ensure that racial or ethnic motives are defined as an aggravating circumstance for criminal offences. The Committee reminds the State party that measures to monitor and combat racist speech should not be used as a pretext to curtail expressions of protest at injustice, social discontent or opposition.**

National human rights bodies and civil society

13. The Committee is concerned that the process of reaccreditation of the National Human Rights Council by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights has been suspended since 2011. It regrets the lack of information on the activities of the Ombudsman. While noting that civil society took part in the preparation of the report, it regrets that no representative of civil society or the National Human Rights Council took part in the dialogue with the Committee (art. 2).

14. **The Committee recommends that the State party take steps as soon as possible to bring the law on the National Human Rights Council into line with the new constitutional provisions and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and that it endow the Council with the necessary budget to carry out its mandate independently and autonomously. The Committee invites the State party to provide it with detailed information on the efforts of the Ombudsman to combat racial and ethnic discrimination, and to encourage civil society to participate more actively in the dialogue on the implementation of the Convention.**

Lack of legal actions relating to racial discrimination

15. The Committee is concerned about the lack of information on complaints of racial or ethnic discrimination filed during the reporting period, especially regarding relevant decisions by the courts, including courts of first instance. It regrets the lack of information on cases processed by the National Human Rights Council in response to any complaints by victims of racial or ethnic discrimination (art. 6).

16. **In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that the absence of complaints and legal actions for racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of trust in the judicial system, a fear of reprisals or a lack of will on the part of the authorities to prosecute the perpetrators of such acts. The Committee recommends that the State party disseminate current and future legal provisions on the prohibition of racial discrimination and ensure that the public at large, and especially groups vulnerable to racial discrimination, know their rights. The Committee takes note of the rulings of the Supreme Constitutional Court and requests the State party**

to provide information on the relevant legal proceedings before the lower courts and on the cases of racial discrimination processed by the National Human Rights Council pursuant to article 99 of the Constitution.

Situation of minorities

17. The Committee recalls and regrets the lack of information on the results of academic studies and surveys on minority ethnic groups requested during the previous dialogue with the State party. It is also concerned about:

(a) The situation of persons belonging to minority groups in the State party, such as the Bedouin/nomads, Nubians and Berbers, and especially the social stigmatization from which they suffer;

(b) The difficulties encountered by such persons in the full enjoyment of their economic, social and cultural rights;

(c) The regional disparities in the State party that affect border and coastal areas, particularly the regions of Upper Egypt, Sinai and Nubia. The Committee is also concerned that the relocation of minorities, particularly the Bedouin, for a variety of reasons, including security reasons, has reportedly not given rise to appropriate compensation;

(d) The information received from the State party on its efforts to get nomads and other vulnerable groups to lead sedentary lives in modern villages. In particular, the Committee regrets the lack of information on the manner in which these people are consulted and their views taken into account; the Committee notes with concern that such measures may have a disproportionate impact on persons belonging to minority groups (art. 5).

18. **The Committee recommends that the State party provide it with the results of academic studies and surveys on small ethnic groups to enable it to evaluate such groups' enjoyment of the rights protected by the Convention.**

In the light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee also recommends that the State party should:

(a) Combat all forms of racial discrimination against persons belonging to minority groups, including the prejudice and social stigmatization to which they are subject; the State party should step up awareness campaigns to combat intolerance and promote cultural diversity;

(b) Take the necessary steps to promote the enjoyment by such persons of their rights to education, employment, decent housing and the preservation of their culture;

(c) Ensure that the special measures provided for in article 236 of the Constitution for the economic development of disadvantaged regions are designed and implemented after consultation with the communities concerned and with their active participation; the State party should also ensure that the minority groups affected by development projects are duly compensated;

(d) Evaluate all measures taken to improve people's quality of life and ensure that they do not have a disproportionate negative impact on minorities or their traditional way of life.

Situation of the black community

19. The Committee is concerned about the reports of discrimination against and the social stigmatization of members of the black community in Egypt, which are said to affect not only those Egyptians with a darker skin than others but also, and above all, non-citizens, particularly those from sub-Saharan Africa (art. 5).

20. **In accordance with its general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party take concrete measures to combat all forms of discrimination, stigmatization or stereotyping based on skin colour and to combat any indirect discrimination such people may face.**

Discrimination and violence against Copts

21. The Committee takes note of the measures taken by the State party to combat discrimination and violence against ethno-religious minorities, particularly the violence that has resulted in the destruction of Coptic property and churches. It remains concerned, however, about the scale of the intolerance and violence to which they have been subjected, including in cases involving the taking of hostages and kidnapping of Coptic women. It is further concerned about the limited measures taken by the State party to promote freedom of religion and religious diversity among ethnic minorities (arts. 5 and 6).

22. **In accordance with its general recommendation No. 26 (2000) on article 6 of the Convention, the Committee recommends that the State party reinforce the measures it has taken so as to ensure that those responsible for discrimination and violence against Copts are punished and that the victims have access to justice, compensation and reparation. The State party should promote freedom of conscience, freedom of religion and religious diversity among ethno-religious minorities by taking the necessary legislative and administrative measures. It should also involve religious leaders in all awareness-raising activities carried out to this end.**

Inter-ethnic conflicts

23. The Committee is concerned about reports of deadly clashes between Arab and Nubian tribes in Aswan in 2014. It notes the measures taken by the State party to resolve these conflicts but regrets the lack of preventive measures and the inadequacy of the measures taken to settle these conflicts (arts. 5, 6 and 7).

24. **The Committee recommends that the State party take preventive measures and strengthen its conflict resolution strategies in addition to the measures taken to compensate victims and punish those responsible. It also recommends that the State party organize awareness campaigns among the communities concerned to promote tolerance and diversity, with the active participation of the authorities or organizations that represent them.**

Situation of migrants, refugees and asylum seekers

25. The Committee is concerned about the situation of asylum seekers, refugees and migrants, particularly foreigners in an irregular situation, as regards, among other things:

(a) Cases of arbitrary detention and prolonged administrative detention;

(b) The problems related to security and protection, including cases of attempts on their lives and physical, sexual or psychological violence against them;

(c) Information about the difficulties these persons have in getting access to basic public services such as education, health care and justice;

(d) The non-recognition of the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) to protect Palestinian refugees, particularly those from the Syrian Arab Republic who are no longer within the field of operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), thus preventing UNHCR from registering these refugees and providing them with basic material assistance;

(e) The discrimination and harassment faced by migrants, asylum seekers and refugees from sub-Saharan Africa (arts. 5 and 6).

26. **Recalling its general recommendations No. 22 (1996) on article 5 and refugees and displaced persons and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party should:**

(a) Take the necessary measures to put an end to the detention of asylum seekers and refugees and speed up the implementation of the protection regime applicable to them; the State party should use detention solely for very particular specific cases and for the shortest possible period, and should allow UNHCR to visit the persons concerned with a view to identifying those who may be entitled to international protection;

(b) Take urgent and exemplary measures to punish all attempts on persons' lives and physical, sexual or psychological violence;

(c) Take measures to guarantee access to basic public services by non-citizens and to improve their access to justice, without any discrimination;

(d) Grant UNHCR access to Palestinian refugees living in Egypt who are outside the field of operations of UNRWA, so that it can afford them protection and the support they need;

(e) Promote tolerance and diversity among local communities and sensitize them to the prohibition of racial discrimination against any person, including refugees, migrants and asylum seekers.

Political representation of minorities

27. While noting the new constitutional provisions on quotas to guarantee the participation of young people, women, Christians and persons with disabilities on local councils, the Committee regrets that minority groups such as Nubians and the Bedouin are excluded from this special measure (art. 5).

28. **The Committee recommends that the State party consider including minorities in the quota system, so as to ensure that the different segments of the Egyptian population are represented.**

The counter-terrorism law

29. The Committee is concerned that the new counter-terrorism law could be interpreted and applied so broadly as to hamper freedom of expression and assembly, particularly that of vulnerable groups who are protected by the Convention, some of whom would be persecuted or stigmatized as potential terrorists and prevented from exercising their legitimate rights (arts. 4 and 5).

30. **In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party ensure that measures to**

combat terrorism are undertaken in such a way as to protect fundamental human rights, including those of minority groups and non-citizens. The State party should ensure that fundamental legal safeguards are applied so as to prevent and combat the use of racial profiling by the police. It should comply with the provisions of the Convention in the interpretation and application of the counter-terrorism law.

Combating human trafficking

31. The Committee is concerned that the State party is a country of origin, transit and destination for human trafficking. This situation affects non-citizens in particular. The Committee is concerned about reports of the economic and sexual exploitation of foreign workers, as well as the use of violence against them, and particularly against domestic workers (art. 5).

32. **The Committee recommends that the State party intensify its efforts to combat human trafficking, to prosecute the perpetrators of such acts and to afford legal and institutional protection to victims. The State party should ensure that all persons employed in Egypt, particularly those in the informal sector, are protected from abuse, regardless of their national or ethnic origin. The Committee encourages the State party to accede to the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Multiple discrimination

33. The Committee is concerned about the prevalence of violence against women in the State party, which particularly affects refugee and migrant women, as well as those belonging to ethnic groups, as they are victims of multiple forms of discrimination (art. 5).

34. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party take firm action in order to more effectively combat violence against women, especially women from minority groups and refugee and migrant women, to strengthen the legislative framework to investigate such violence, to prosecute and punish the perpetrators and to offer support, compensation and reparation to the victims.**

Human rights training and awareness-raising

35. Although the State party has taken some steps to raise awareness of human rights among judges and staff at the Ministry of Justice, the Committee is concerned about the persistence of social stigma and racial and ethnic discrimination in the State party, and it regrets the lack of information on the impact of this training on the human rights situation in general (art. 7).

36. **The Committee recommends that the State party take the necessary measures to ensure that education in human rights, including training on the Convention, is made widely available and that mechanisms are set up to evaluate the effectiveness and impact of such measures.**

Situation of human rights defenders and journalists

37. Bearing in mind the important role of human rights defenders and journalists in the protection of human rights, including the rights protected by the Convention, the Committee is concerned about reports of intimidation and arrests of civil society actors. It is also concerned about the restrictions imposed on the work of human rights defenders, including the obstacles to the receipt of funding from abroad by civil

society organizations, which reportedly prevent them from functioning effectively. Likewise, the Committee is concerned about the situation of journalists and bloggers, some of whom have been imprisoned (arts. 2 and 5).

38. **The Committee recommends that the State party should:**

(a) Adopt the new law on non-governmental organizations with a view to facilitating the work of human rights defenders; the State should party protect human rights defenders and journalists from any act of intimidation or reprisals, and from any other impediments to their work; and it should remove the restrictions that prevent non-governmental organizations from receiving funding from abroad;

(b) Expedite the processing of cases of activists and journalists in detention and release them in accordance with the international commitments undertaken by Egypt.

C. Other recommendations

Ratification of other treaties

39. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying the international human rights treaties which it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Follow-up to the Durban Declaration and Programme of Action

40. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention, the State party give full effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, while taking account of the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

41. **In the light of General Assembly resolution 68/237 proclaiming 2015-2024 the International Decade for People of African Descent and General Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, the Committee recommends that the State party formulate and launch an appropriate programme of measures and policies. The Committee also requests that the State party include in its next report detailed information on specific steps taken in this regard, bearing in mind the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Declaration under article 14

42. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention, recognizing the competence of the Committee to receive and consider individual communications.**

Amendment to article 8 of the Convention

43. **The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Dialogue with civil society

44. **The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular those combating racial discrimination, in connection with the preparation of its next periodic report and the follow-up to the present concluding observations.**

Dissemination

45. **The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.**

Common core document

46. **The Committee encourages the State party to update its core document, which dates from 1992 (HRI/CORE/1/Add.19), in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for core documents.**

Follow-up to concluding observations

47. **In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 18, 22, 24 and 43 above.**

Paragraphs of particular importance

48. **The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 10, 12, 30 and 38 above and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement them.**

Preparation of the next periodic report

49. **The Committee recommends that the State party submit its twenty-third to twenty-fifth periodic reports in a single document by 4 January 2018, taking into account the treaty-specific reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**